IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.698 OF 2006

IN

WRIT PETITION NO.2822 OF 1999

Shri.Vileparle Swetamber Murtipujak Jain Sangh and Charities ..Petitioners

Vs.

Brihanmumbai Municipal Corporation & Ors. ..Respondents

Mr.G.V.Murti for Petitioners
Mr.V.Mahadik for B.M.C.

CORAM: DR.S.RADHAKRISHNAN AND SMT.V.K.TAHILRAMANI,JJ.

DATE : NOVEMBER 30, 2006

P.C.

1. Mentioned. Not on board.

2. Heard the learned counsel for the Petitioners and the learned counsel for the Respondent-B.M.C. Perused the affidavit in support of Notice of Motion. Petitioners are seeking recall of our order dated 27.11.2006 whereby the above petition was dismissed in default. For the reasons stated in the affidavit in support of Notice of Motion, sufficient cause has been made out. There is no case of inaction, negligence or want of bonafide.

Hence, Notice of Motion is made absolute in terms of prayer clause (a).

3. Place the above Writ Petition for final hearing on 12.12.2006.

[DR.S.RADHAKRISHNAN, J.]

[SMT.V.K.TAHILRAMANI,J.]